



University of Hawaii at Manoa

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July 11, 1983

RP:0026

District Engineer (PODCO-O)
U.S. Army Corps of Engineers
Building 230
Fort Shafter, Hawaii 96825

Dear Sir:

Proposed Extension of General Permit PODCO-O 77-1
Utility lines in or above navigable waters
State of Hawaii

The proposed extension of General Permit PODCO-O 77-1 would expand the scope and continue the existing general permit authorization of the Corps of Engineers to permit the construction, replacement, repair and maintenance of subaqueous utility lines in navigable waters of the State of Hawaii and to discharge dredged or fill material into navigable waters incident to such activity.

This Environmental Center review has been prepared with the assistance of Ray Tabata, Sea Grant and Mark Ingoglia, Environmental Center. The following comments are offered for your consideration.

According to the Public Notice dated June 9, 1983, 4 changes in the existing general permit are to be incorporated in the proposed extension:

- 1) authorization is extended to the general public
- 2) scope of work authorized will include utility lines crossing over navigable waters and the discharge of necessary fill materials
- 3) paragraphs 4d, 4e, and 4v are to be deleted
- 4) the general permit extension will cover Section 10 of the River and Harbor Act of 1899 and all references to Section 404 of the Clean Water Act will be deleted as unnecessary.

While we concur with the need to minimize paperwork and facilitate permit processing for activities with minimal or no significant environmental impacts we are concerned with some aspects of this general permit and its implementation procedures. In particular, the proposed deletion of paragraphs 4d, e and v in the General Permit (page 2, paragraph 4c of the Public Notice NO. PODCO-O GP 77-1E) raises some questions with regard to notification

of proposed actions, definition of utility lines, the relationship of the proposed utility General Permit to PODCO SPGP 1, environmental mitigation procedures and the purpose of the proposed permit.

Notification

It would be helpful if advance notification of all General Permit Applications were made available to at least certain key agencies. For example, advanced notice to the State Office of Environmental Quality Control would assure that the State agency with the responsibility for overall environmental coordination would be aware of planned activities and could apprise other State agencies if further environmental evaluation was necessary.

The reference to the State Department of Planning and Economic Development (DPED) in the Public Notice seems in error. The General Permit refers instead to the State Department of Land and Natural Resources (DLNR). In any case, deletion of advance notification to state agencies, the Corps of Engineers and the fishery agencies as stated in the Public Notice seems unwise and in the case of the COE inconsistent with the text of the General Permit.

As a practical issue, who will be responsible for mapping utility lines especially those put in by individuals so that the public will be alerted of potential hazards to diving, fishing, navigation and recreational activities?

Utility Lines

The term "utility line" is not defined. Does this include gas and water lines? Does it include large cables such as the proposed Geothermal or OTEC submarine transmission cable from Hawaii to Oahu? Will there be any size or capacity limitations to such "utility lines" that come under the General Permit Application?

Relationship to PODCO SPGP 1

How will this general utility line permit relate to the Proposed General Permit PODCO SPGP 1, State Program General Permit? Which permit has precedence?

Environmental Mitigation

With respect to dredging or the discharge of dredged or fill material, will there be any requirements for artificial reef development if "natural habitat" is destroyed by these activities? The restriction cited in paragraph 4b (1) of the General Permit, to require land disposal of excess excavated material not required for back fill seems unwarranted. Ocean disposal may be economically and environmentally preferable.

Purpose

This permit is intended to reduce delays and duplications of permit processing. It is assumed that since restrictions on such work will be reduced by this new permitting process, other agencies and regulations may be involved in the review process similar to the role of DLNR in the State Program General Permit. Will other state or federal agencies be involved in evaluating such utility line work and approval?

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Adequate advance notice and input from federal and state agencies with environmental expertise could assist the District Engineer in determining if an individual permit should be granted. Such input would augment the information available to the District Engineer and help to assure that permit decisions are made on the basis of the best available data.

Thank you for the opportunity to review the above cited PODCO.

Yours truly,

Jacquelin N. Miller
(mi)
Jacquelin N. Miller
Acting Director

cc: Ray Tabata
Mark Ingolia